

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HOWARD BERRY and DAVID BERRY,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

TRANSDEV SERVICES, INC. f/k/a VEOLIA  
TRANSPORTATION SERVICES, INC.;  
TRANSDEV NORTH AMERICA, INC., f/k/a  
VEOLIA SERVICES, INC.; and FIRST  
TRANSIT, INC.,

Defendants.

Case No.: 2:15-cv-01299-RAJ

**[PROPOSED] ORDER GRANTING  
DEFENDANT FIRST TRANSIT,  
INC.'S MOTION TO DISMISS  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT FOR FAILURE TO  
STATE A CLAIM**

**NOTING DATE: OCTOBER 28, 2016**

The Court, having reviewed the pleadings and documents filed in support of and in opposition to Defendant First Transit, Inc.'s Motion to Dismiss Plaintiffs' First Amended Complaint for Failure to State a Claim ("Motion"), and the remainder of the file herein, finds that Plaintiffs have failed to state any claim against First Transit, Inc. upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). The Court further finds that Plaintiffs' First Amended Complaint against First Transit, Inc. cannot be cured by the allegation of other facts.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2016.

THE HONORABLE RICHARD A. JONES  
U.S. DISTRICT COURT JUDGE

1 Presented by:

2  
3 *s/ Breanne Sheetz Martell*

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17 FIRST TRANSIT, INC.

**CERTIFICATE OF SERVICE**

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. On October 4, 2016, I

**✕** **ELECTRONICALLY FILED** the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on October 4, 2016, at Seattle, Washington.

*s/ Rebekah Davies*

Rebekah Davies

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